

ORDINANCE NO. 2021-47

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, REPEALING ORDINANCE NO. 1989-27 AND ALL RELATED ORDINANCES AND PORTION OF ORDINANCES IN CONFLICT BY AMENDING SECTION 4-4. – BUILDING CODES BOARD OF ADJUSTMENTS AND APPEALS OF THE CITY’S CODE OF ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Copperas Cove adopted Ordinance No. 1989-27 on October 3, 1989 establishing Section 4-4. - Building Codes Board of Adjustments and Appeals, and

WHEREAS, the City Council desires to amend Section 4-4. – Building Codes Board of Adjustments and Appeals to hear and decide appeals of orders, decisions or determinations made by the building official or fire marshal relative to the application and interpretation of the technical provisions of the building, fire and technical codes adopted by the City, and

WHEREAS, the City Council of the City of Copperas Cove is authorized pursuant to Texas Local Government Code Chapter 214, and other statutory authorities, and the City’s inherent powers and authority as a home rule municipality to establish regulations within the City’s corporate limits in order to protect the public health, safety and welfare; and

WHEREAS, the City Council deems it to be in the best interest of the public to amend Section 4-4. – Building Codes Board of Adjustments and Appeals in compliance with Chapter 2 – Administration, Sec. 2-18 of the Code of Ordinances for the purposes described herein.

NOW, THEREFORE, BE IT ORDINANED BY THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS:

SECTION 1.

The findings set forth above are incorporated into the body of this Ordinance and is fully set forth herein.

SECTION 2.

That Ordinance No. 1989-27 is hereby repealed in its entirety; along with any ordinances or resolutions or part of an ordinance or resolution in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 3.

The City Council of the City of Copperas Cove hereby amends Section 4-4. – Building Codes Board of Adjustments and Appeals to hear and decide appeals of orders, decisions or determinations made by the building official or fire marshal relative to the application and interpretation of the technical provisions of the building, fire and technical codes adopted by the City as follows:

(a) *Creation.*

A Building Codes Board of Adjustments and Appeals, referred to in this article as “the board,” is created to accomplish purposes and perform functions set forth in this article.

(b) *Composition; appointment, residency and term of members.*

The board shall be composed of seven (7) voting members of whom shall be a citizen of the United States of America; and shall not be disqualified by reason of any provision of any section of this ordinance, City Charter, City's Code of Ordinances, or state law. The terms of office of the members shall be four years or until a successor takes office beginning on October 1st of the year of appointment. The terms of the odd-numbered places shall expire in the odd-numbered years, and the terms of the even-numbered places shall expire in the even-numbered years. Board members may be appointed to succeed themselves. Vacancies shall be filled by the city council for the unexpired term. Newly appointed members shall be installed at the first regular board meeting after their appointment.

(c) *Qualifications of members.*

It is the intent of the city council that the board members shall, by reason of diversity of their individual areas of expertise, constitute a board which is broadly representative of various fields of building construction and building standards. In making appointments to the board, the city council will give consideration to persons who are qualified by experience and training to pass on matters pertaining to building construction, mechanical design, plumbing systems or electrical systems, or who have practical experience in matters relating to building construction or value such as a mortgage banker or licensed real estate agent. Members may not be employees of the city.

(d) *Removals; vacancies.*

Members of the board may be removed by the city council only for inefficiency, neglect of duty or malfeasance in office. A member who shall be absent from attendance at a regularly called meeting 50 percent of the time within a period of six months shall be deemed to have vacated his office.

(e) *Organization; rules of procedure; records.*

The board shall elect a chairman and vice-chairman from among its members. The board shall meet when required to carry out the duties established herein. The board shall adopt its own rules and procedures and shall keep a record of its proceedings consistent with the provisions of this section and the requirements of law. The board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating that fact, and shall keep records of

its decisions and other official actions, all which shall be filed in the office of the city secretary and kept as public records.

(f) *Powers and duties.*

- (1) The board is charged with the duty and invested with the authority to hear and decide appeals of orders, decisions or determinations made by the building official or fire marshal relative to the application and interpretation of the technical provisions of the building, fire and technical codes adopted by the city as provided in Chapter 4, Building, Construction, Related Activities.
- (2) The board shall have no authority relative to interpretation of the administrative provisions of the codes.

(g) *Meetings; quorum.*

A quorum for the conduct of business shall consist of four members of the board. Each member is entitled to one vote, and action of the board shall require a majority of members. The members of the board shall regularly attend meetings of the board and shall serve without compensation, except for reimbursement of authorized expenses attendant to the performance of their duties. The members shall comply with all time limits and public notice requirements, and all meetings of the board shall be held in compliance with the Texas Open Meetings Act:

SECTION 4.

That any ordinances or resolutions or part of ordinance or resolutions in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 5.

That should any section, clause, or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this ordinance or any other ordinance of the City as a whole or any part thereof, other than the part so declared to be invalid.

SECTION 6.

That this ordinance shall go into effect immediately upon its adoption and approval by City Council.

PASSED, APPROVED, AND ADOPTED on this 7th day of December, 2021, at a regular meeting of the City Council of the City of Copperas Cove, Texas which meeting was held in compliance with the Open Meetings Act, *Tex. Gov't Code*, §551.001, et. seq., at which meeting a quorum was present and voting.


Dan Yancey, Mayor

ATTEST:


Lisa Wilson, City Secretary



APPROVED AS TO FORM:


Denton, Navarro, Rocha, Bernal
& Zech, P.C., City Attorney